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10/709,705	05/24/2004	Jonathan K. Weedon	BORL/0220.00	3704
28653 7590 03/17/2008 JOHN A. SMART		EXAMINER		
708 BLOSSOM HILL RD., #201			WANG, RONGFA PHILIP	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Application No. Applicant(s) 10/709,705 WEEDON ET AL. Office Action Summary Examiner Art Unit PHILIP WANG 2191 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 24 May 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-47 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) \_\_\_\_\_ is/are allowed. Claim(s) \_\_\_\_\_ is/are rejected. 7) Claim(s) 46 and 47 is/are objected to. 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10)⊠ The drawing(s) filed on 24 May 2004 is/are: a)⊠ accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some \* c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \* See the attached detailed Office action for a list of the certified copies not received.

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date 9/18/2006.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

Attachment(s)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

6) Other:

Notice of Informal Patent Application

Art Unit: 2191

#### Detail Action

- 1. This office action is in response to the application filed on 5/24/2004.
- Claims 1-47 are pending.

#### Specification

 The disclosure is objected to because of the following informalities: [0043] contains a hyperlink for example.

Appropriate correction is required.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP \$ 608.01.

The use of the trademark JAVA has been noted in this application(for example [0057]). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

#### Claim Objections

4. Claims 46 and 47 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

Art Unit: 2191

form, or rewrite the claim(s) in independent form. Claim 46 recites the limitation of a computerreadable medium having processor-executable instructions. Such computer-readable medium can be copied and distributed without actually executing the corresponding method. Therefore, claim 46 can be infringed without infringing claim 22. (see MPEP § 608.01(n)). Claim 47 recites the limitation of a downloadable set of processor-executable instructions. The instructions can be copied and distributed without infringing claim 22.

## Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-21 and 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-21 recite the limitation of a system for translating data types between to applications. It appears such system can be pure software.
Claim 47 recites the limitation of a downloadable set of processor-executable instructions. Such instructions are software instructions. Software is not considered a statutory subject matter.

# Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention. Claims 2, 44 and 45 recite the limitation of "Java". The claim

scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product.

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public user or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1, 3-5, 7-22, 24-27, 29-43, 46 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanamori (US Patent No. 6,167,565).

As per claim 1,

Kanamori discloses

A system for translation of data types between a first application in a first language and a second application in a second language, the system comprising (c3:64-c4:49):

- a formal mapping between data types of the first language and data types of the second language (for example, c4: 3-6, "...a mapping from a data type in one programming language to a corresponding data type in another programming language...");
- translators for translating data types between the first language and the second language based on the formal mapping; a translation mapping to the translators based on actual data types of the first application and formal data types of the

Application/Control Number: 10/709,705 Art Unit: 2191

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second application(c4:6-9, "This mapping specifies custom
marshaling code...that can be used for converting...data type
to ...the corresponding data type...""); and
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a module for selecting an appropriate translator for translating between a
particular data type in the first language and a data type in the second language
based on the translation mapping in response to invocation of a method of the
first application with the particular data type (c3: 65-c4:2, "...customer
marshaling of parameters during invocations...").

As per claim 3,

the rejection of claim 1 is incorporated,

Kanamori discloses

wherein the formal mapping comprises a mapping between formal types of the first language and formal types of the second language (c4: 6-9, "...mapping from a data type...to a corresponding data type...").

As per claim 4,

the rejection of claim 3 is incorporated,

Kanamori discloses

 wherein the formal types comprise static types (c10: 26, where a static type is shown.).

As per claim 5.

Application/Control Number: 10/709,705 Page 6

Art Unit: 2191

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the formal mapping comprises a many-to-one mapping (for example c4, Table 1, first and third rows where both [in]COMTYPE and [in]COMTYPE\* map to JAVATYPE).

As per claim 7,

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the translators read data of a first type and write data of a second type (c4:64-c4:49).

As per claim 8,

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the translators include a mechanism for determining the actual type in the first language that a particular translator supports (c4: 45-46,

"...determines whether customer marshaling has been defined for any of the parameters...").

As per claim 9,

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the translators include a mechanism for determining the formal type in the second language that a particular translator supports (see Table 1).

As per claim 10,

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the translators provide information needed for creating the translation mapping (c4:3-10, "The custom marshaling system...provide to the translator a mapping...").

As per claim 11.

the rejection of claim 1 is incorporated,

Kanamori discloses

- wherein the translators translate return values received from the second application into a format appropriate for the first application (c4:17-20, "...Upon returning from the function,...convert the formal parameter back into the data type of the actual parameter.").

As per claim 12,

the rejection of claim 1 is incorporated,

Kanamori discloses

 wherein the translation mapping provides for navigation from an object of the first application to a formal type of the second application's environment(see
 Table 1 for example).

As per claim 13.

the rejection of claim 1 is incorporated,

Kanamori discloses

- wherein the translation mapping comprises a mapping from actual type of the first application and formal type of the second application to a particular translator (c4: 6-9, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa.").

As per claim 14,

the rejection of claim 1 is incorporated,

Kanamori discloses

- wherein the module for selecting an appropriate translator performs a two level lookup in the translation mapping (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code.."; see

Art Unit: 2191

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Table 1 shows two levels: first function name, "Foo", then data type).
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As per claim 15,

the rejection of claim 14 is incorporated.

Kanamori discloses

 wherein the two level lookup includes a first level lookup based on actual data type of the first application(see Table 1).

As per claim 16,

the rejection of claim 15 is incorporated,

Kanamori discloses

 wherein the first level lookup considers inheritance hierarchy of the actual type(see Table 1).

As per claim 17,

the rejection of claim 14 is incorporated,

Kanamori discloses

- wherein the two level lookup includes a second level lookup based on formal data type of the second application (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code.", see Table

Art Unit: 2191

1 shows two levels: first function name, "Foo", then data type).

As per claim 18,

the rejection of claim 17 is incorporated,

Kanamori discloses

wherein the second level lookup selects the appropriate translator from a set of translators determined by the first level lookup (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code."; see Table 1 shows two levels: first function name, "Foo", then data type).

As per claim 19.

the rejection of claim 1 is incorporated,

Kanamori discloses

- wherein the module for selecting an appropriate translator determines if the mapping includes at least one translator for the particular data type (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice Application/Control Number: 10/709,705 Page 11

Art Unit: 2191

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versa...the translator retrieves the specified custom marshaling code."; ).
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As per claim 20,

the rejection of claim 1 is incorporated.

Kanamori discloses

- wherein the module for selecting an appropriate translator determines if the mapping includes at least one translator for interfaces of the particular data type(c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code."; ).

As per claim 21,

the rejection of claim 1 is incorporated,

Kanamori discloses

- wherein the module for selecting an appropriate translator determines if the mapping includes at least one translator for base types of the particular data type(c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code."; ).

Page 12

Application/Control Number: 10/709,705
Art Unit: 2191

As per claim 22,

# Kanamori discloses

A method for translation of data types between a first component in a first language and a second component in a second language, the method comprising (c3:64-c4:49):

- defining a formal mapping between data types of the first language and data types of the second language (for example, c4: 3-6, "...a mapping from a data type in one programming language to a corresponding data type in another programming language...");
- implementing translators based on the formal mapping for translating data types between the first language and the second language (c4:6-9, "This mapping specifies custom marshaling code...that can be used for converting...data type to ...the corresponding data type..."");
- producing a programming interface for the first component based upon the formal mapping and the second component's programming interface; generating a translation mapping to the translators based on actual data types of the first component and formal data types of the second component as defined in the first component's programming interface (c4:25-49, where example based on C++ COM and Java VM is disclosed);
- in response to invocation of a method defined in the first component's
  programming interface with a particular data type, selecting a translator based
  on the translation mapping and the particular data type (c3: 65-c4:2,
  "...customer marshaling of parameters during invocations...");

and translating the particular data type to a data type of the second language using the selected translator(c4: 12- 24, where customer marshaling code is used for converting data types is disclosed.).

Page 13

As per claim 24,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the first component comprises a first component of an application and the second component comprises a second component of the application(c4:25-65).

As per claim 25,

the rejection of claim 22 is incorporated:

Kanamori discloses

 wherein the first component and the second component operate within a single process(see FIG. 1).

As per claim 26,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the defining step includes defining a mapping between formal types of the first language and formal types of the second language(c4: 2-9). Application/Control Number: 10/709,705 Page 14

Art Unit: 2191

As per claim 27,

the rejection of claim 22 is incorporated;

Kanamori discloses

- wherein the defining step includes defining a many-to-one mapping (for

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example c4, Table 1, first and third rows where both [in]COMTYPE and [in]COMTYPE* map to JAVATYPE).
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As per claim 29,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the implementing step includes implementing a translator reading data of a first type and writing data of a second type(c4: 2-20).

As per claim 30,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the implementing step includes indicating the actual type in the first language that a particular translator supports(c4:2-20, also see Table 1).

As per claim 31,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the implementing step includes indicating the formal type in the second language that a particular translator supports(c4:2-20, also see Table 1). Application/Control Number: 10/709,705 Page 15
Art Unit: 2191

As per claim 32.

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the generating step includes generating the translation mapping based, at least in part, on information provided by the translators(c4:2-20).

As per claim 33,

the rejection of claim 22 is incorporated;

Kanamori discloses

- wherein the translation mapping provides for navigation from an object of the
- first component to the formal type of the second component's environment (see Table 1 for example).

As per claim 34,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the translation mapping comprises a mapping from actual type of the first component and formal type of the second component to a particular translator(c4:2-64).

As per claim 35.

the rejection of claim 22 is incorporated;

Kanamori discloses

- wherein the selecting step includes performing a two level lookup in the

translation mapping(c4: 6-16, "This mapping specifies custom
marshaling code...that can be used for converting parameter

of the data type to a parameter of the corresponding data

type, and vice versa...the translator retrieves the specified

custom marshaling code.."; see Table 1 shows two levels:

first function name, "Foo", then data type).

.

As per claim 36,

the rejection of claim 35 is incorporated;

Kanamori discloses

- wherein the two level lookup includes a first level lookup based on actual data

type of the first component (c4: 6-16, "This mapping specifies

custom marshaling code...that can be used for converting

parameter of the data type to a parameter of the

corresponding data type, and vice versa…the translator  $% \left( 1\right) =\left( 1\right) \left( 1\right$ 

retrieves the specified custom marshaling code..";).

.

As per claim 37,

the rejection of claim 36 is incorporated:

Kanamori discloses

- wherein the first level lookup considers inheritance hierarchy of the actual type(c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code.."; see Table 1 shows two levels: first function name, "Foo", then data type).

.

As per claim 38,

the rejection of claim 35 is incorporated;

Kanamori discloses

wherein the two level lookup includes a second level lookup based on formal data type of the second component (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code.."; see Table 1 shows two levels: first function name, "Foo", then data type).

As per claim 39.

the rejection of claim 38 is incorporated;

Kanamori discloses

- wherein the second level lookup includes selecting a translator from a set of translators determined by the first level lookup based on formal data type (c4: 6-16, "This mapping specifies custom marshaling code...that can be used for converting parameter of the data type to a parameter of the corresponding data type, and vice versa...the translator retrieves the specified custom marshaling code.."; see Table 1 shows two levels: first function name, "Foo", then data type).

As per claim 40,

Art Unit: 2191

the rejection of claim 22 is incorporated:

Kanamori discloses

 wherein the selecting step includes determining if the translation mapping includes at least one translator for the particular data type(c4:1-20).

As per claim 41,

the rejection of claim 22 is incorporated;

Kanamori discloses

 wherein the selecting step includes determining if the translation mapping includes at least one translator for interfaces of the particular data type(c4:2-64).

As per claim 42,

the rejection of claim 22 is incorporated;

Kanamori discloses

- the selecting step includes determining if the translation mapping includes at

least one translator for base types of the particular data type(c4:64).

As per claim 43,

The rejection of claim 22 is incorporated;

Kanamori discloses

- translating return values received from the second component

- into a data type of the first component's environment using the selected

translator(c4:17-20, "...Upon returning from the

function, ... convert the formal parameter back into the data

type of the actual parameter.").

As per claim 46, it is the computer-readable medium claim corresponding to method claim 22

and is rejected for the same reason set forth in connection of the rejection of claim 22 above.

As per claim 47, it is the downloadable set of processor-executable instructions claim

corresponding to method claim 22 and is rejected for the same reason set forth in connection of

the rejection of claim 22 above.

Claim Rejections - 35 USC § 103

Page 20

Application/Control Number: 10/709,705

Art Unit: 2191

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 2, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanamori (US Patent No. 6,167,565) in view of Vargas (US PGPub. No. 2004/0103405).

As per claim 2,

the rejection of claim 1 is incorporated,

 the second language comprises Java (c2 46-47, "Java programming language...").

Kanamori does not specifically disclose

the first language comprises C#.

However, Vargas discloses

- the first language comprises C#([0006], "...C#...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Vargas into the teachings of Kanamori to include the limitation discloses by Vargas. The modification would be obvious to one of ordinary skill in the art to want to minimize the differences between programming languages as suggested by Vargas ([0013]).

Application/Control Number: 10/709,705 Art Unit: 2191

the rejection of claim 22 is incorporated,

 the second language comprises Java (c2 46-47, "Java programming language...").

Kanamori does not specifically disclose

- the first language comprises C#.

However, Vargas discloses

- the first language comprises C#([0006], "...C#...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Vargas into the teachings of Kanamori to include the limitation discloses by Vargas. The modification would be obvious to one of ordinary skill in the art to want to minimize the differences between programming languages as suggested by Vargas ([0013]).

As per claim 45.

the rejection of claim 22 is incorporated.

- the first language is Java (c2 46-47, "Java programming language...").

Kanamori does not specifically disclose

- the second language comprises C#.

However, Vargas discloses

the second language comprises C#([0006], "...C#...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Vargas into the teachings of Kanamori to include the limitation discloses by Vargas. The modification would be obvious to one of

Page 22

Application/Control Number: 10/709,705

Art Unit: 2191

ordinary skill in the art to want to minimize the differences between programming languages as suggested by Vargas ([0013]).

Claims 6, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over
 Kanamori (US Patent No. 6,167,565) in view of Beisiegel et al. (US PGPub. No. 2004/0177360).

As per claim 6,

the rejection of claim 1 is incorporated,

Kanamori does not specifically disclose

 wherein the translators marshal translated data into a wire format for transfer from the first application to the second application across a network.

However, Beisiegel et al. disclose

- wherein the translators marshal translated data into a wire format for transfer from the first application to the second application across a network ([0012], "...conversion to and from an arbitrary native wire data format..."; [0034], "...a networked computing device, is in communication with other networked computing device.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Beisiegel et al. into the teachings of Kanamori to include the limitation discloses by Beisiegel et al. . The modification would be obvious to one of ordinary skill in the art to want to enable cooperating components of an enterprise as suggested by Beisiegel et al. ([0005]).

As per claim 23,

the rejection of claim 22 is incorporated;

Kanamori does not specifically disclose

 wherein the first component comprises an application on a first machine and the second component comprises an application on a second machine.

However, Beisiegel et al. disclose

 wherein the first component comprises an application on a first machine and the second component comprises an application on a second machine ([0034]),

 $\mbox{``...}\mbox{a}$  networked computing device, is in communication with

other networked computing device.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Beisiegel et al. into the teachings of Kanamori to include the limitation discloses by Beisiegel et al. . The modification would be obvious to one of ordinary skill in the art to want to enable cooperating components of an enterorise as suggested by Beisiegel et al. (100051).

As per claim 28.

the rejection of claim 22 is incorporated:

Kanamori does not specifically disclose

Art Unit: 2191

 wherein the implementing step includes implementing a translator for marshaling translated data into a wire format for transfer from the first component to the second component across a network.

However, Beisiegel et al. disclose

- wherein the implementing step includes implementing a translator for marshaling translated data into a wire format for transfer from the first component to the second component across a network([0012], "...conversion to and from an arbitrary native wire data format...";[0034], "...a networked computing device, is in communication with other networked computing device.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Beisiegel et al. into the teachings of Kanamori to include the limitation discloses by Beisiegel et al. . The modification would be obvious to one of ordinary skill in the art to want to enable cooperating components of an enterprise as suggested by Beisiegel et al. ([0005]).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in

Art Unit: 2191

any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wei Zhen/ Supervisory Patent Examiner, Art Unit 2191